

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO GONZALEZ-ACOSTA,

Defendant.

Case No. 06cr2297-LAB

~~[PROPOSED]~~ PRELIMINARY ORDER
OF CRIMINAL FORFEITURE

WHEREAS, in the Indictment in the above-captioned case, the United States sought forfeiture of all right, title and interest in specific property of the above-named Defendant pursuant to 21 U.S.C. § 853 as property constituting and derived from proceeds the Defendant obtained directly or indirectly as the result of the commission of the violation of Title 21, United States Code, Sections 846 and 841(a)(1) as charged in the Indictment; and

WHEREAS, on or about February 1, 2007, the above-named Defendant, FERNANDO GONZALEZ-ACOSTA ("Defendant"), pled guilty before Magistrate Judge Louisa S. Porter to Count 1 of the Indictment, and on July 9, 2007, this Court accepted the guilty plea of Defendant, which plea included consent to the criminal forfeiture allegation pursuant to Title 21 as set forth in Count 1 of the Indictment; and

WHEREAS, by virtue of the facts set forth in the plea agreement, the United States has established the requisite nexus between the forfeited property and the offense; and

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1 WHEREAS, by virtue of said guilty plea, the United States is now entitled to possession
2 of said property, pursuant to 21 U.S.C. § 853 and Rule 32.2(b) of the Federal Rules of Criminal
3 Procedure; and

4 WHEREAS, pursuant to Rule 32.2(b)(3), the United States having requested the authority
5 to take custody of the following property which was found forfeitable by the Court, namely:

6 **\$5,400.00 in U.S. Currency; and**

7 WHEREAS, the United States, having submitted the Order herein to the Defendant through
8 his attorney of record, to review, and no objections having been received;

9 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

10 1. Based upon the guilty plea of the Defendant, the United States is hereby authorized
11 to take custody and control of the following asset, and all right, title and interest of Defendant
12 FERNANDO GONZALEZ-ACOSTA in the following property are hereby forfeited to the
13 United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C.
14 § 853(n):

15 **\$5,400.00 in U.S. Currency.**

16 2. The aforementioned forfeited asset is to be held by the United States Marshals
17 Service in its secure custody and control.

18 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized to begin
19 proceedings consistent with any statutory requirements pertaining to ancillary hearings and rights
20 of third parties.

21 4. Pursuant to 21 U.S.C. § 853(n), the United States forthwith shall publish, at least
22 once for three successive weeks in a newspaper of general circulation, notice of this Order, notice
23 of the Marshals Service's intent to dispose of the property in such manner as the Attorney General
24 may direct, and notice that any person, other than the Defendant, having or claiming a legal interest
25 in the above-listed forfeited property must file a petition with the Court within thirty (30) days of
26 the final publication of notice or of receipt of actual notice, whichever is earlier.

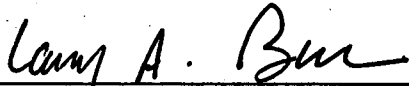
27 5. This notice shall state that the petition shall be for a hearing to adjudicate the
28 validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under

1 penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest
2 in the forfeited property and any additional facts supporting the petitioner's claim and the relief
3 sought.

4 6. The United States may also, to the extent practicable, provide direct written notice
5 to any person known to have alleged an interest in the property that is the subject of the
6 Preliminary Order of Criminal Forfeiture, as a substitute for published notice as to those persons
7 so notified.

8 7. Upon adjudication of all third-party interests, this Court will enter an Amended
9 Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

10 DATED: 7-9-07

11 
12 LARRY A. BURNS, Judge
13 United States District Court

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19 Submitted by:

20 KAREN P. HEWITT
21 United States Attorney

22 s/ William V. Gallo
23 WILLIAM V. GALLO
24 Assistant U.S. Attorney

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27 Preliminary Order Criminal Forfeiture
28 U.S. v. FERNANDO GONZALEZ-ACOSTA
Case No. 06cr2297-LAB

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 06cr2297-LAB
)
Plaintiff,) CERTIFICATE OF
) SERVICE BY FACSIMILE
v.)
)
FERNANDO GONZALEZ-ACOSTA,)
)
Defendant.)

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

IT IS HEREBY CERTIFIED THAT:

I, Mary I. Apgar, am a citizen of the United States over the age of eighteen years and a resident of San Diego County, California; my business address is 880 Front Street, San Diego, California; I am not a party to the above-entitled action; and,

On this date I transmitted via facsimile machine, at San Diego, California, , in the above-entitled action, a copy of **PRELIMINARY ORDER OF CRIMINAL FORFEITURE**, to Thomas P. Matthews, at his correct and current facsimile number, (619) 236-3480.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 31, 2007.

MARY I. APGAR